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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/630,426

07/29/2003

Rand B. Nickerson

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2001 Ross Avenue
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02/08/2007

EXAMINER

DWIVEDI, MAHESH H

ART UNIT

PAPER NUMBER

2168

MAIL DATE

DELIVERY MODE

02/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/630,426

Applicant(s)

NICKERSON ET AL.

Examiner

Mahesh H. Dwivedi

Art Unit

2168

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-34.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).
13. ☐ Other: _____.


TIM VO
SUPERVISORY PATENT EXAMINER
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Continuation of 11. does NOT place the application in condition for allowance because: Applicants request for reconsideration filed on 1/16/2007 is acknowledged, but is not persuasive. Applicant argues on Page 13 that "However, nothing in Muret discloses that report request 540, report engine 400, or web browser 520 are "associated with the particular web page" as recited in claim 1. Accordingly, neither the report request 540, the report engine 400, nor the web browser 520 can be properly construed as "second software associated with the particular web page," as recited in Claim 1". However, the examiner wishes to point to Column 18 of Muret, and refer to the sixth paragraph which states "The report engine 400 provides a centralized system that contains a single copy of the report templates and icons needed to generate reports, and delivers specific reports for a particular web site only when requested" (Column 18, lines 33-37). The examiner further wishes to state that report engine 400 clearly delivers reports on a particular web page when a user request is received (see "for a particular web site only when requested"). Applicant then goes on to argue on page 13 that "Applicants respectfully submit that nothing in Muret discloses that user 530 accesses the particular web page, much less that any software disclosed in Muret receives input from user 530 (or any other entity) indicating a desire to access information concerning the particular web page, while the particular web page is viewable within a browser window of the web browser". However, the examiner wishes to point to Column 1 of Muret and refer to the third paragraph which states "The type of information logged generally includes the Internet Protocol (IP) address or host name of the visitor, the time of the transaction, the request, the referring page, the web browser and type of platform used by the visitor, and how much data was transferred. When properly analyzed, this information can help marketing executives, webmasters, system administrators, business owners, or others make critical marketing, business, commerce and technical decisions" (Column 1, lines 22-30). The examiner further wishes to state that a webmaster/system administrator will must view their content. Applicant then goes on to argue on page 15 that "Accordingly, Kurzrok necessarily does not disclose, teach, or suggest that the web site reader requests a rating summary for the content that the web site reader has read or viewed. Kurzrok also necessarily does not disclose that the rating summary requester reads or views the content that is the subject of the rating summary". However, the examiner wishes to point to page 35 of the final office action mailed on 11/14/2006 to address this issue. Moreover, the examiner further wishes to state that a content provider provides internet content to the masses. The examiner further wishes to state that in order to provide content to a website, one must have read/viewed it. Applicant then goes on to argue on page 17 that "To support the rejections, the Examiner states that certain elements of the claims are "common knowledge."...To the extent that the Examiner is taking Official Notice". The examiner wishes to state that no Official Notice was taken in the rejections of claims 10, 21, and 32. The examiner further wishes to state that Muret's invention uses a computer (see Column 23, lines 12-18). The examiner further wishes to state that it is inherent that a computer has a keyboard.